

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2022 JUN 23 PM 4:00

DEPUTY CLERK

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UNITED STATES OF AMERICA

v.

Case No. 3:22-CR-094-X

VIAJE D. VAUGHN (1)

FACTUAL RESUME

In support of Viaje Vaughn's guilty plea to Count Eight of the indictment, Viaje Vaughn, the defendant, Hugo Aguilar, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count Eight of the indictment charging a violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2) and 2, that is, Aiding and Abetting a False Statement During Purchase of Firearm, the government must prove each of the following elements beyond a reasonable doubt:¹

- First:* That the defendant made a false written statement;
- Second:* That the defendant knew the statement was false;
- Third:* That the statement was made in connection with the acquisition of a firearm from a licensed firearm dealer;
- Fourth:* That the statement was intended or was likely to deceive a licensed firearm dealer; and

¹ Fifth Circuit Pattern Jury Instruction 2.43B (5th Cir. 2019).

Fifth: That the alleged false statement was material to the lawfulness of the sale or disposition of the firearm.

To prove the offense Aiding and Abetting, the government must prove each of the following elements beyond a reasonable doubt:²

First: That the offense of making a false statement in connection with the acquisition of a firearm from a licensed dealer was committed by some person;

Second: That the defendant associated with the criminal venture;

Third: That the defendant purposefully participated in the criminal venture; and

Fourth: That the defendant sought by action to make that venture successful.

STIPULATED FACTS

1. Viaje D. Vaughn admits that on or about October 3, 2021, in the Dallas Division of the Northern District of Texas, the defendant, Viaje Vaughn, aided and abetted Louis Washington in connection with the acquisition of a firearm, to wit: a Glock, model 32, .357 caliber pistol, bearing serial number BPFA923 and a Glock, model 36, .45 caliber pistol, bearing serial number BTYX683, from the Gun Zone, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, in that Washington, aided and abetted by Vaughn, knowingly made a false and fictitious written statement to The Gun Zone, which statement was intended and likely to deceive the Gun Zone, as to a fact material to the lawfulness of such sale and acquisition of the firearms. Specifically, under Chapter 44 of Title 18, Washington represented and executed a

² Fifth Circuit Pattern Jury Instruction 2.04 (5th Cir. 2019).

Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives form 4473, Firearms Transaction Record, to the effect that that Washington was the actual buyer of the firearms indicated on the Form 4473, when in fact as Washington and Vaughn knew, (Vaughn) was not the actual buyer of the firearm, in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

2. Viaje Vaughn admits that on or about October 2, 2021, in the Dallas Division of the Northern District of Texas, he asked Louis Washington to purchase a Glock .40 caliber pistol and a Glock 9 mm pistol from the Gun Zone, which firearms were intended for Vaughn. Vaughn admits that Washington went to the Gun Zone on October 2, 2021, and purchased the two firearms. During the purchase, Washington knowingly made a false and fictitious written statement to The Gun Zone, which statement was intended and likely to deceive the Gun Zone, as to a fact material to the lawfulness of such sale and acquisition of the said firearm to the defendant under Chapter 44 of Title 18, in that the Washington represented and executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives form 4473, Firearms Transaction Record, to the effect that Washington was the actual buyer of the firearms, when in fact Washington purchased the firearms on behalf of Vaughn, the actual buyer of the firearms. Vaughn admits that he aided and abetted Washington's false statement in the acquisition of the firearms.

3. Viaje Vaughn admits that on or about October 3, 2021, in the Dallas Division of the Northern District of Texas, he asked Louis Washington to purchase a Glock, model 32, .357 caliber pistol, and a Glock, model 36, .45 caliber pistol, from the

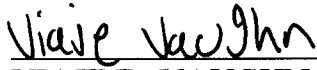
Gun Zone, which firearms were intended for Vaughn. Vaughn admits that Washington went to the Gun Zone on October 3, 2021, and purchased the two firearms. During the purchase, Washington knowingly made a false and fictitious written statement to The Gun Zone, which statement was intended and likely to deceive the Gun Zone, as to a fact material to the lawfulness of such sale and acquisition of the said firearm to the defendant under Chapter 44 of Title 18, in that the Washington represented and executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives form 4473, Firearms Transaction Record, to the effect that Washington was the actual buyer of the firearms, when in fact Washington purchased the firearms on behalf of Vaughn, the actual buyer of the firearms. Vaughn admits that he aided and abetted Washington's false statement in the acquisition of the firearms.

4. Viaje Vaughn admits that he provided Washington with the funds to purchase the firearms. Vaughn admits that the Gun Zone is a licensed firearms dealer.

5. The defendant agrees that he committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offenses charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count Eight of the indictment.

AGREED TO AND STIPULATED on this 22 day of June, 2022.

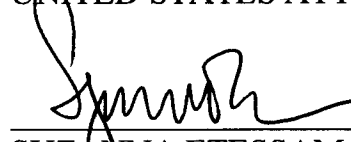
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UNITED STATES ATTORNEY



VIAJE D. VAUGHN
Defendant



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